

My name is Kathi Tucker, Executive Director of the WindChill Legacy, Ltd.

I have spent most of my life pulling animals out of some pretty horrific situations and bringing them back to health. Like the kitten tied to a whiskey bottle left by the water's edge waiting for the tide to come in, or Ebby, who spent her first 18 years of life as a show horse, only to end up in a field with her teeth in such bad shape that the sharp points had shredded the inside of her mouth, causing such terrible abscesses that she could no longer eat. She was standing in front of a hay bale, while she slowly starved to death. I have waited a lifetime for the opportunity to speak for them, for the silent ones and I thank you for the opportunity to do so now.

Every year The Animal Legal Defense Fund releases a report ranking the animal protective laws of every state and territory of the USA. In their 2009 study, IL ranked first, MI ranked 3rd and WI ranked 18th. The majority of the strengths that put IL in the lead and MI 3rd in this study are the same changes, some to a lesser degree that we are asking for in this new Bill. Some of you may be aware that the Humane Society did a similar study. The reason that I chose not to quote their study is because it included a larger amount of exemptions that are not affected by the changes written in AB747. For example all of the current WI trapping, hunting, and agriculture exemptions, such as the normal animal husbandry practices statutes remain unchanged. Remaining unchanged as well is the statute pertaining too normal and accepted veterinary practices and scientific research.

After Rep. Milroy gave us the first draft of this bill, we reached out to groups that we felt may have concerns over new animal legislation being introduced. We phoned, sent letters along with a copy of the draft to The NRA, US Sportsmen's Alliance, WI Wildlife Federation, WI Towns Association, WI Farm Bureau and the WI Trappers Association. We asked that they review the bill draft in its early stage and share with us their concerns, if any, so that we could address them prior to the next draft. None of the groups responded.

I truly believe that AB 747 offers long term savings for the state of WI. Not only will the strengthening of our animal cruelty laws act as a deterrent to abusers, the removal of other animals from the abusers care and property checks for a longer period will save on prosecuting repeat offenders during that time. Justice Department and other studies have shown time and time again that animal abuse is a stepping stone to domestic abuse, child abuse and at its worse, serial killing. I don't know what it costs the state to prosecute domestic violence repeat offenders or even for that matter what it cost the state of WI to prosecute Jeffrey Dahmer, who started his infamous career dissecting animals before moving on to humans. It stands to reason that it would be far better to prosecute an animal abuse case at the beginning of the violent cycle than repeat domestic violence offenders or worse. AB747 gives the courts the option to require counseling or anger management and that alone should help to prevent future prosecution.

The NRA

Jordan Austin
National Rifle Association
11250 Waples Mill Road
Fairfax, VA 22030

US Sportsmen's Alliance

Jeremy Rine
801 Kingsmill Parkway
Columbus, OH 43229

WI Wildlife Federation

Exec Dir: George Meyer
201 Randolph Drive
Madison, WI 53717

Wisconsin Towns Association

WTA Executive Director – **Richard J. Stadelman**
W7686 County Road MMM
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WI Farm Bureau

c, Director of Governmental Relations
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WI Trappers' Assn

Virgil Schroeder
3471 Earlwyn Rd
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DOG FEDERATION OF WISCONSIN CLAIMS ABOUT AB 747

1. ALERT STATES:

"This bill goes beyond the scope of protecting children and in the process could make anyone that uses any type of aversive training (i.e. prong or choke collars) method or who breed is traditionally docked or cropped or those that have dew claws removed, or perhaps cause a nail to bleed when cutting too close to the quick, a felon if done in the front of a child."

RESPONSE:

False. Lawful activities are currently protected and will remain protected under AB 747. Under the current law, "cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death. The proposed change to the definition of "cruel" in AB 747 is the addition of "failing to prevent" unnecessary and excessive pain or suffering or unjustifiable injury or death. The examples provided by DFC have not, and would not, constitute "cruel" as defined either under the existing or proposed law. In addition, the current law exempts "normal and accepted veterinary practices" which would include such activities as tail docking/cropping, claw removal, etc. (statute 951.02).

2. ALERT STATES:

"Our current animal cruelty laws do not offer specific exclusions for livestock management, hunting, trapping, or docking/dewclaw removal/cropping of animals..."

RESPONSE:

False. Again, lawful activities are currently protected and will remain protected under AB 747. In order for a person to violate the animal cruelty law, their actions (or failure to act should AB 747 become law) must be unnecessary, excessive or unjustifiable (951.01(2)). All examples presented in the claim fall outside of this requirement and would not be in violation of the law.

Beyond this clear exemption however, there are additional more specific exemptions, already in place, that fully exclude "normal and accepted veterinary practices" and "scientific research" (951.02); the "taking of wild animals" e.g. hunting, fishing and trapping (chapter 29); "slaughter of animals" (951.015(1)); and "normally accepted husbandry practices" in relation to sheltering "farm animals" (951.14).

3. ALERT STATES:

"As this bill deals with two unrelated sections of WI Statutes, the wording in 813.12 that specifically states "mistreatment of an animal owned or cared for by the petitioner," is not applicable to the section regarding animal cruelty and therein threatens all warm-blooded enterprises in the State."

RESPONSE:

Part-true/Part-false. The claim that the proposed clause "mistreatment of an animal owned or cared for by the petitioner" does not apply to the animal cruelty sections is correct. This clause is only applicable in the domestic violence sections of the law. Its sole purpose and effect is to allow courts to protect animals in domestic violence cases by giving them the opportunity to include them in temporary restraining orders that are issued by the courts – something that fifteen other states already expressly authorize their courts to do. This provision will have no impact, whatsoever, on any "warm-blooded enterprise in the state".

4. ALERT STATES:

"Section 948.057 titled 'Causing a child to commit a crime against an animal' is new."

RESPONSE:

True. This provision is intended to help protect children from the effects of animal abuse and animal abusers. There is over two decades of research demonstrating a high correlation between those who abuse animals and those who are violent with people. Abusers will often commit the abuse in front of children, or force them to participate, in order to threaten, control and emotionally abuse them.

5. ALERT STATES:

"This bill changes the definition of cruel... by adding 'or failing to prevent'..."

RESPONSE:

True. Under AB 747, affirmative acts and failures to act would be considered cruelty when such activity is not exempted. (See RESPONSE to #2).

6. ALERT STATES:

"If a person uses a prong collar, or an electric collar for either containment or training and it is done in front of a child, you could be charged with a Class I felony."

RESPONSE:

False. Activities involving containment or training of animals would be protected activities and exempt from the cruelty law. (See RESPONSE to #2).

7. ALERT STATES:

"If you dock, crop, or remove dew claws in front of a child, you could be charged with a Class E felony."

RESPONSE:

False. The increased penalty only applies to non-lawful (non-exempted) activities that violate the provisions of this law. The activities described in the claim, have not, and would not be in violation of this provision.

8. ALERT STATES:

"If you hunt, trap, or slaughter animals for food in front of a child, you could be charged with a Class C felony."

RESPONSE:

False. Hunting, trapping and slaughtering animals for food are protected activities and already exempt from the cruelty law. (See RESPONSE to #2).

9. ALERT STATES:

"mistreatment of animals conviction...does not require proof of intent or negligence. Just doing the activity is enough."

RESPONSE:

False. A criminal conviction for mistreatment of an animal (951.02), either as a misdemeanor or felony, requires that the offender acted either intentionally or negligently. (951.18)

10. ALERT STATES:

"This bill will effect even those that don't breed."

RESPONSE:

False. The current law, as well as the changes proposed by AB 747, will have no impact on those participating in any lawful activity anywhere in the state.

On Saturday February 9th, 2008 we rescued a 9 month old colt from a farm in our area. Frigid conditions mixed with high winds (30mph, wind chill of -50F) finally overcame the little guy's already weakened condition. Suffering from dehydration, malnourishment, hypothermia and frostbite, we loaded the colt we've been calling WindChill into one of our horse trailers and raced for home. Hoping that we could save him.

We could not.

The local newspaper did a front page story on the horrifying rescue and word spread like wild fire over the AP and several TV stations. Our frozen little colt, who was fighting so hard to live, made the national news when FOX NY picked up the story. The over whelming support and public outcry over how this baby horse was left to suffer, brought thousands of people all over the United States and other countries together for a common cause.

The experts warned us from the beginning not to get our hopes up, because the odds were just overwhelmingly stacked against this little horse. We never told WindChill that. We accepted each day with him as a gift, we watched his progress in awe - as did the entire nation. This little horse became a beacon of hope for so many who had lost their faith in humanity. He taught us that no matter what happens in your life, no matter how unfair, you can still have faith and you can find love to carry you to a better place. He found the good in the world.

The abusers in this case received a slap on the wrist for their crime, as do so many other animal abusers, we made a promise to all those animals out there, silently enduring their suffering, that we would be their voice.

To his memory we dedicate our efforts to combat equine neglect and abuse.

WindChill's Law Testimony by Polly Niemi

WindChill's Law is truly a grassroots effort by caring citizens. The WindChill's Legacy members didn't even know each other just over two years ago when Kathi and Jeff Tucker dropped everything in their lives to help a little horse. My husband Gary is a retired Air Force Colonel, and we both seek missions where we can serve, making a difference for the greater good. He and I weren't horse people but offered to help because help was needed. Kathi told me WindChill would steal our hearts: she was so right. We eagerly appeared at Raindance Farms just outside of Superior WI every day of the rest of his short life. We hugged him, brushed him, massaged his battered little legs, helped lift him up, and cheered him on with every small victory. And we fell in love with him.

When the case against his abusers went to trial, I was in the courtroom every day of every hearing. As a subpoenaed witness, I learned from the D.A. how difficult it was for her to prosecute the case. These people watched a baby horse starve to death outside their kitchen window! How can that NOT be prosecuted? When one abuser made a plea bargain to testify against the other because he had domestic abuse charges pending, and the other abuser bargained for a slap on the wrist, I wanted to know if that was common everywhere in the U.S. WindChill's Law Task Force was formed: I, a schoolteacher, facilitated it, and a pharmacist, a mental health facility administrator, a licensed psychologist who previously worked with domestic abuse, and a ski instructor volunteered to research this. None of us are involved with any animal rights' groups.

We divided up the 50 states, and they read every statute concerning animals for every state, including some that were still in legislative committees. The best ones were inserted into our current WI statutes where they seemed to fit. I then edited that 25 page document into 7 pages including end notes citing the states of origin for the changes. We met regularly during the process, discussing what we were seeking and why, as well as what current statutes were fine as they are. When we were satisfied that we had created the best document possible, we met with Representative Nick Milroy who enthusiastically accepted our document. He agreed to draft this bill from it and sponsor the resulting legislation.

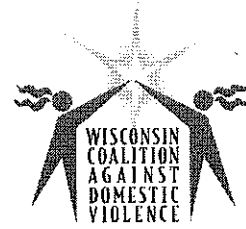
The document resulting in Assembly Bill 747 was written from our hearts and souls, and it was written for all those who are battered and neglected through no fault of their own. Most of all, it was written with love and hope, because we deserve laws that protect animals and children who have no voice and have no choice. I cannot even imagine how the pre-school child of WindChill's abusers feels, having witnessed domestic abuse and parents who let a baby starve in the field in front of their house. How he felt when he asked Kathi, "Are you finally here to help the little horse?"

I will tell you about abuse in front of and involving a little girl and how it affected her. Nobody talks about it so I have no information before my grandmother. She and her sisters worked at logging camps in northern MN where she met my grandfather, who died when I was 3. I loved being at her farm for the peace, room, and baby animals. But I was scared to death of

her, seeing her beat the animals with her huge stick. I was told that growing up, my dad was also no stranger to her stick. She kicked my dog and threw my cat down the basement stairs in rages when she stayed with us. My dad also went into rages, not hitting, instead berating and belittling, telling me how stupid and worthless I was. My mother was afraid of the anger, so she would try to soothe him as we scurried away. My pets were my solace in the dark places within myself where I hid. And we were always told it was our fault for provoking my dad. My first marriage was a disaster, and it was my divorce that made me realize how much I didn't want my children to be like me. It's taken me my whole life and many professional sessions to break that cycle for my children. I'm not fixed, never will be. But I learned different behaviors, like telling them I was too angry to deal right then and going for a walk or into my garden. My children are successful, confident women who don't believe in the core of their beings that they are totally worthless humans who are always responsible for everything that goes wrong. It took professional help after 3 generations to stop the circle.

WindChill's Law addresses anger issues, abuse, and neglect by clarifying restraining orders, provides for evaluation, anger management, and counseling in sentencing, as well as increasing penalties for those who believe the laws of our state don't apply to them. The citizens of WI know what is right and wrong, and know that this is part of an ugly circle of violence, generation after generation, that must change.

Testimony



307 South Paterson Street, Suite 1
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Phone: (608) 255-0539 Fax: (608) 255-3560

To: Members of the Assembly Committee on Criminal Justice
From: Tony Gibart, Policy Coordinator, 608-255-0539 ext 310, tonyg@wcadv.org
Re: Assembly Bill 747

Chairman Turner and Members of the Committee, thank you for the opportunity to submit testimony on Assembly Bill 747--Windchill's Law. My name is Tony Gibart, and I represent the Wisconsin Coalition Against Domestic Violence (WCADV). I am providing testimony for informational purposes. The subject of this legislation, animal abuse, has serious implications, beyond the health and well-being of animals. To fully understand the significance of animal abuse, the Committee must understand the deep connection between animal abuse and domestic violence.

Animal abuse and domestic violence are closely linked.

Animals are often used as a means to control domestic violence victims. Family pets are commonly a first target because abusers understand and exploit the deep bond between pets and family members. Animals become pawns that batterers use to coerce, control and intimidate their victims. Abusers often threaten, harm or kill the family pet to ensure victims will not leave or report abuse. When abusers harm animals, the message abusers send to victims is clear: I could do this to you. In short, animal abuse in a home perpetuates an environment of fear and terror.

Studies show there is a strong connection between animal abuse and domestic violence:

- A survey conducted by The National Coalition Against Domestic Violence found that out of the 50 largest shelters for battered women in the United States, 85% of the women and 63% of the children entering shelters discussed incidents of pet abuse in their family.
- In Wisconsin, a study of battered women revealed that in four out of five cases, abusive partners had also been violent toward pets or livestock.¹

Animals should be included in protective orders.

Protecting pets can help protect human victims of domestic violence. Currently, animals are very rarely included in domestic violence protection orders in Wisconsin. Victims fleeing a violent relationship may not have the means or capacity to take their pets with them, and most shelters do not allow victims to be accompanied by an animal. When victims fear the abuser will exact revenge on the animal, they are less likely to leave an abusive relationship.

¹ Turner, Nancy (2000). Animal Abuse and the Link to Domestic Violence. *Police Chief* 67(6), 28-30.

Ten states have enacted legislation that includes provisions for pets in domestic violence protection orders. In these states, a protection order may prohibit the respondent from inflicting harm onto the victim's pet. Assembly Bill 747 would explicitly permit Wisconsin courts to direct an individual who is subject to a restraining order to refrain from mistreating or threatening to harm the victim's pets or animals. If victims felt their pets would be safe, they would be more inclined to leave abusive environments. Including pets in protection orders involving domestic abuse will offer a victim an alternative to staying in a violent relationship out of fear for her pet's safety.

Thank you for the opportunity to provide testimony today. I also want to thank the sponsors for working on this important issue. I ask that the Committee account for the effect animal abuse has on the safety of victims of domestic violence as it considers this legislation.

This is my written testimony for ASB 747, WindChill's Law sponsored by Representative Nick Milroy

Hello my name is Paula Moore. I was born and raised in Wisconsin and for 35 years I taught in Wisconsin schools. I am asking each of you to support WindChill's Law.

I have to tell you in all my 59 years I had never been around horses until 2 years ago when I got a call to help with a 9 month old colt. That first day I saw WindChill, I did not know if I could stomach coming back. I was so horrified at what I saw.

I did come back and I spent the next 18 days at WindChill's side. I came back because WindChill and I had a lot in common. We both had suffered terribly from abuse and neglect by the people who had been responsible for taking care of us. We both were fighters, not giving up, and we both had such a will to live that ran deep inside ourselves.

I survived. WindChill did not.

I cannot begin to tell you how deep the anger is that I have at the amount of suffering WindChill went through. The judge repeatedly told the person that what she did to WindChill was a criminal act and how much WindChill suffered.

To think that this extreme neglect of WindChill was done in just 4 months time and done in the presence of her young son, who, while WindChill was being rescued, asked the rescuers if they were finally here to help the little horse.

Since WindChill's death, I have continued working with other neglected and abused horses. I am even angrier when I see a young spunky black colt named Chaos, who was born this past summer, and realize what WindChill's emaciated body should have been and the beautiful horse WindChill could have been.

I have seen firsthand the connection between animal and human abuse and neglect. In my 35 years of teaching, I have had several students who started out abusing animals which led to further human abuse. In fact on the day of WindChill's plea bargain sentencing, one of my former students, 21 years old, stepped out of the elevator in an orange jumpsuit for a pre-trial hearing in regards to molesting a child. He was known early in life for hanging cats and dogs.

Over the past year in memory of WindChill, I have had the privilege of visiting schools in Wisconsin and Minnesota, telling WindChill's story. Many teachers and counselors tell me that the presentations open the door for children to tell about their own abuse and abuses they have seen parents and relatives do to their pets. It is hard to hear what these kids have experienced and seen.

Just recently at the last school presentation, a 4th grade teacher said "What was done to WindChill was cruelty beyond belief and she asked what made people step over that line. " One of her 4th grade students answered, "They knew they would not get caught."

I am asking each of you on the Criminal Justice Committee today to pass WindChill's Law to send a strong message loud and clear to those people who think they can get away with abusing and neglecting animals. This Law tells them there will be consequences.

Paula Moore

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Criminal Justice Committee of the Wisconsin Assembly

Hearing re: ASB 747

Date: 24 February 2010

Testimony of Janice Niedermeier, DVM

Good morning. My name is Janice Niedermeier. I am a veterinarian who has practiced my entire 37 year career in southern Wisconsin; I have been a business owner in Rock County for 16 years. As an animal professional I have cared for cattle, sheep, goats, hogs, horses, dogs, cats, birds, rabbits and other small mammals. In my personal life I bred, trained and showed Arabian horses for 20+ years and have raised and shown Doberman Pinscher dogs for over 30 years.

I am here today as an individual and animal advocate, not as a representative of any group. My life in animals has been in large part gratifying....my career is a wonderful one for an "animal person". However, I have been greatly informed by the experiences this career has brought me...from seeing neglect and cruelty nearly beyond description, to dealing with the sheer stupidity of folks who simply should not own animals, to being a veterinary expert in prosecutions in three Wisconsin counties and assisting in law enforcement raids on illegal dog brokering operations.

There is an opportunity for me to do good today, so let me tell you why I am in favor of Assembly Bill 747:

- > Neglect, abandonment and deliberate animal cruelty are a daily reality.**
- > Wisconsin cruelty law is spotty and in a number of areas is incomplete.**
- > The front-line people in law enforcement who must identify and investigate crimes against animals, then the prosecutors who must charge and try**

the accused individuals have much less institutional support than if the funding were available to have trained humane officers in every Wisconsin county.

- > This means ongoing improvements to the Statutes to make clearer and more concise the definitions, descriptions and penalties for animal crimes in CHs 951 and 813 will aid law officers and prosecutors by providing them a better framework to rely on in carrying out their jobs effectively for Wisconsin citizens and for the animals against which crimes are committed.**

This bill provides beneficial clarity to CH 951 in several ways that I'll point out:

- >adds needed definition to what constitutes "water" - like, NOT ice**
- >changes awkward grammatical double negative "may not fail to" into the positive "shall" provide sufficient food and water**
- >defines the previously undefined term "abandonment"**
- >includes "or failing to prevent" with the verb "causing" in the definition of cruelty as unnecessary pain or suffering or unjustifiable injury or death.**

These are needed improvements that won't affect legal uses of or practices related to wildlife or domestic species whose care and protection are specified and the uses of which are also protected under various other Wisconsin statutes including CHs 29 (Wild Animals and Plants, including deer and other wildlife management and hunting, game and furbearing animals, trapping, fishing), 72 (Animals not restrained and doing damage), 173 (Animals and Humane Officers, breeder regulations, licensing), 95 (Animal Health, slaughter), 562 (Race Animals, wagering), 174 (Dogs, humane use for science and education, licensing, damage and running at large), 169 (Captive Wildlife, rehabilitation, exhibition, hunting, use of captive wild animals for hunting

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Testimony of Janice Niedermeier before Criminal Justice Committee Pg.3

training and trials, hunting preserves) and 453 (Veterinary Medicine).

In closing I ask that you give your approval to ASB 747 and vote it right on out of this committee and send it on its way through the Wisconsin legislative process.

I was taught in the conservative German home where I was raised that two things were important in leading an ethical life: If a job is worth doing you better do your best at it *and* never miss an opportunity to do good. Mr. Chairman and Members of the Committee, you can do good here, please don't miss the opportunity.



Philip C. Johnson, DVM
President

Steven Erickson, DVM
President Elect

Douglas D. Kratt, DVM
Past President

Kim Brown Pokorny
Executive Director

2801 Crossroads Dr., Suite 1200, Madison, WI 53718 ■ (608) 257-3665 ■ fax (608) 257-8989 ■ www.wvma.org
Advocating and promoting veterinary medicine, while enriching animal and human health

February 24, 2010

To: Honorable Members of the Assembly Committee on Criminal Justice

Fr: Dr. Philip Johnson, WVMA President
Kim Brown Pokorny, WVMA Executive Director

Re: Assembly Bill 747, Windchill's Law

The Wisconsin Veterinary Medical Association (WVMA) acknowledges the leadership of a number of Wisconsin residents, and particularly representatives of Windchill's Legacy, for their efforts to bring this legislation forward. The WVMA concurs that greater deterrents are needed for those whose intentional mistreatment of animals that leads to bodily harm or death and to ensure law enforcement has the necessary authority to take action in such circumstances.

While we support the concept, we are not at this time prepared to take a formal position given the complexity of the legislation, including the increased criminal penalties about which we lack the proper expertise. Indeed, our expertise is in applying scientific knowledge to ensure the proper care and treatment of animals. We need to examine and assess the legislation based on our scientific training and expertise.

The *Veterinarian's Oath* makes clear the profession's obligation to use scientific knowledge and skills for the benefit of society through the protection of animal health and the relief of animal suffering. The WVMA takes this obligation very seriously. The WVMA Executive Board approved a strategic plan in January of 2009. The number one issue identified by the Board is animal welfare.

As AB 747 moves forward, the WVMA hopes to be involved in the discussions in bringing our unique scientific expertise. Please do not hesitate to contact us with any specific questions - we seek to be helpful in this legislative endeavor.

Chairman and members of the committee,

My name is Joy Brand and I represent the Dog Federation of Wisconsin. The Dog Federation of Wisconsin is pleased to comment on AB-747.

Dog Federation of Wisconsin is comprised of dog owners and fanciers from throughout the State of Wisconsin.

Our membership is comprised of owners and enthusiasts who work and train their dogs for participation in many activities which include therapy, hunting, sledding, agility and many others. Attached to this statement is an organizational copy of our member clubs, various informational websites and some contact information.

We are extremely concerned about the proposed wording changes to our state animal cruelty statute which is Chapter 951. The wording in this proposed bill encompasses every facet of pet ownership and would have unintended consequences.

This bill changes the definition of cruelty to include "failing to prevent". Technically you are asserting that anyone that is not guilty of cruelty is probably guilty of failure to prevent the act of yourself or someone else. This circular theory causes EVERYONE to be guilty of one or the other.

This bill uses HUMAN descriptions in its penalties section: "bodily harm" and "great bodily harm". Those definitions as defined in statute Chapter 939 (Crimes General Provision) are as follows:

"Bodily Harm" means physical pain or injury, illness, or any impairment of physical condition. "Great Bodily Harm" means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss of impairment of the function of any bodily member or organ or other serious bodily injury.

Under criminal law, as it affects humans, you must prove intent. A slap is considered an assault. A pinch on the rear is 4th degree sexual assault. You have to prove intent on the part of the perpetrator, before they can be charged. Under the crimes against animals Chapter – Mistreatment Statute 951.02 no intent is required for conviction (per State v. Stanfield, 105 Wis. 2d 553, 314 N.W. 2d 339 (1982)). Are we raising the status of animals to a status higher than a human?

According to this proposal citizens that breed, hunt, train, and own pets could be accused of misdemeanors and felonies, unintentionally. Let me give you a few examples:

Animal husbandry and grooming practices can be the cause of physical pain, especially in dogs. Those of us that clip toe nails on our dogs will undoubtedly hit the "quick" (especially on black nails) and cause pain to our dogs. Those dogs that don't like this process will undoubtedly struggle and be quite vocal.

Breeders that dock tails and have dew claws removed at the age of 3 days can be charged with felonies. If you are mentoring children in appropriate methods of husbandry in

certain breeds of dogs you have now enhanced that felony. Whether individuals agree or disagree with animal husbandry practices they are there for a reason.

The wording in this bill also includes those of us that train our dogs to be good companions and workers. Trainers use things called "Prong Training Collars". These collars are used to get the dogs attention by giving them a pinch (which yes is a physical pain). Dogs that are contained with invisible fencing are jolted with a shock when they go outside their containment area and yes both under this human definition of bodily harm would cause the owners to be charged with cruelty. Dogs that find a way outside of a physical fenced in area, and are subsequently hit by cars, could be charged with "failure to prevent".

Dogs that love to work by doing the jobs that they were bred for can end up getting their owners charged with cruelty. Dogs that do agility, hunt and pull sleds are more susceptible to injury because they are moving fast, can fall and tear tendons and muscles. Under the human guidelines for what constitutes bodily harm and under the animal cruelty statute which doesn't need intent, our working dogs could no longer do what they were bred or trained to do.

What does that have to do with just the change in penalty section of the statute? If there is a penalty the element must be defined by the officer writing up the complaint. Those elements need to be defined at report writing time when the complaint is written up. So, whether it is written in specifics in the statute or in the penalty section, it must be written and defined.

The issue that created "Windchill's Law" may have resulted in a charge. I suspect it was the lack of appropriate report writing skills on behalf of the investigating officer writing the report and not the statute itself. That is an issue that can be dealt with by the law enforcement training and standards board and the in-service training that each officer must go through to be recertified.

The other issue that was mentioned in an analysis I read was to punish people that did not treat their animals. The little dog that had broken legs because it was hit by a car and the owner refused to treat it. Does that mean that an individual whose dog is dying of cancer should be charged with a crime because they are going to decline extraordinary measures? Does that mean that individuals that can't afford the glaucoma medications for their dogs should be charged with a crime? Both of those diseases are expensive to treat and painful but veterinarians and pharmacies for the most part want payment when services and products are delivered.

The unintended consequence of this proposal is that it will discourage individuals from visiting veterinarians for fear that they will be turned in for declining expensive treatment options. Or, they will avoid veterinarians for simple treatments because they are fearful it could be something that will be expensive.

For these reasons we oppose Assembly Bill AB-747



Dog Federation of Wisconsin
742 S. Indiana Ave.
West Bend, WI 53095

We own dogs and we vote!

For dog related issues that are brought to the legislature, please contact the Dog Federation of Wisconsin with any questions you may have.

To Contact Specific Individuals:

Gary Goyke Legislative Representative	Joy Brand President	Tracey Johnston Vice President
(608) 237-8108 gnregoyke@mailbag.com	(414) 254-9057 Joy@dfow.net	(262) 424-2694 Tracey@dfow.net

As of February 17, 2010 DFOW represents the following member clubs

Alaskan Malamute Club of America, Inc. + Alaskan Malamute Club of Wisconsin, Inc. Badger Golden Retriever Club Badgerland Basset Hound Club, Inc. + Badgerland Cavalier King Charles Spaniel Club Badgerland Miniature Pinscher Club, Inc. + Bernese Mountain Dog Club of SE Wisconsin Burlington WI Kennel Club Boxer Club of Milwaukee, Inc. + Central Wisconsin Sporting Spaniel Club Combined Specialty Clubs of Greater Milwaukee ++ Doberman Pinscher Club of Greater Milwaukee English Cocker Spaniel Club of Southeastern WI Fancier Cocker Spaniel Club of SE WI Fox River Beagle Club German Shepherd Dog Club of Wisconsin German Shorthaired Pointer Club of Wisconsin + Great Dane Club of Milwaukee, Inc. + Greater Milwaukee Lhasa Apso Club + Greater Milwaukee Norwegian Elkhound Association Greater Milwaukee Poodle Club Greater Milwaukee Samoyed Fanciers, Inc. + Greater Milwaukee Shetland Sheepdog Club Green Bay Shetland Sheepdog Club Irish Setter Club of Milwaukee, Inc K-9 Obedience Training Club	Kenosha Kennel Club, Inc Kettle Moraine Kennel Club Milshore Miniature Schnauzer Club, Inc. + Milwaukee Bulldog Club Northern Flyway Golden Retriever Club Old English Sheepdog Club of Southeastern Wisconsin Oshkosh Kennel Club Packerland Kennel Club Paper Cities Kennel Club Samoyed Association of Madison, Inc. Shih Tzu Club of Wisconsin's Fox Valley Shih Tzu Club of Southeastern Wisconsin + Soft Coated Wheaten Terrier Club of Greater Milwaukee + Southern WI Sporting Spaniel Club The Chihuahua Club of Greater Milwaukee, Inc. + Waukesha Kennel Club West Allis Training Kennel Club Western Waukesha County Dog Training Club Winnegamie Dog Club Wisconsin Chow Chow Club Wisconsin English Springer Spaniel Association Wisconsin Interstate Search and Rescue K-9 Team ++Combined Specialty Clubs of Greater Milwaukee represents these individual clubs (+). In addition to our member clubs, there are many individual members within the DFOW organization.
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Corporate Sponsors

Cedar Creek Pet Resort

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Websites of interest:

www.dfow.net
www.NAIAonline.org
www.akc.org
www.ukcdogs.com
www.akcchf.org
www.adoa.org

Dog Federation of Wisconsin
 National Animal Interest Alliance
 American Kennel Club
 United Kennel Club (Kalamazoo, MI)
 American Kennel Club Canine Health Foundation
 American Dog Owners Association

TO: Members of the Assembly Committee on Criminal Justice

FROM: Paul Zimmerman
Executive Director of Public Affairs

DATE: February 24, 2010

RE: AB 747

On behalf of the members of the Wisconsin Farm Bureau Federation (WFBF), I wish to express our opposition to AB 747 as proposed. AB 747 has the laudable goal of trying to prevent animal cruelty and strengthening the penalties for doing so.

Supporters of the bill are highlighting the need to address animal cruelty due to animal abuse to companion animals or the threat to do so in the presence of children. WFBF's position on the bill is unrelated to companion animals. That's a debate for others to present to you.

However, as drafted, AB 747 is problematic for Wisconsin livestock farmers. AB 747 amends the definition of "Cruel" to mean "causing or failing to prevent unnecessary and excessive pain or suffering or unjustifiable injury or death." At face value, this modification to some may seem appropriate.

In the co-sponsor memo circulated on AB 747, it was stated: "The DA's office wanted to prosecute, but found there is no applicable statute. 951.02 prohibits cruelty, but requires that the person "cause" unreasonable suffering. In this case, the person didn't "cause" the suffering, they refused to treat it. This bill would correct the situation." The above statement is in regards to a situation where veterinary medical attention and treatment was not given to a dog that was struck by a car.

On livestock farms, farmers care for their animals 24 hours a day, 365 days a year. Yet, animals can still become injured due to no fault of the farmer. When needed, the farmer may call a veterinarian to care for injured animals. At other times, a veterinarian may not be called because the farmer wishes to see if the animal will heal on its own. Sometimes livestock market prices make it not economically viable to treat certain injured animals. Too further complicate this situation many injured animals are not viable for slaughter due to increased standards to insure a safe food supply. So farmers are in the position, do they see if the injured animal can recover on its own or do they put it to death.

Livestock farmers truly care for their animals and work with veterinarians to keep their livestock healthy. AB 747 needs to be changed so that if a farmer does not call a veterinarian after a cow falls down, he or she does not become a felon.

Thank you for your time and consideration. If you have any questions or comments, please contact me at 608-828-5708.